

Remarks:

These remarks are responsive to the Office action dated December 27, 2007. Prior to entry of this response, claims 1-15, 18, 19, 21-32, and 34-38 were pending in the application. By way of this response, claims 1, 3, 21, 36, and 37 are amended, and new claims 39-41 are added. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

Examiner Interview

Applicant thanks the Examiner for the courtesy extended during the January 29, 2008 interview. In the interview the references Fall Out 2 and Baldur's Gate 2 with respect to the commandability of the non-player characters were discussed. The Examiner and Applicant's representative agreed that it would be beneficial for both sides to familiarize themselves with the games used as references against the present application. The Examiner also suggested that a copy of Applicant's commercially released computer game entitled The Thing, which embodies the subject matter of the claims, might be helpful to the examination of the application. To that end, under separate cover Applicant forwards a copy of the computer game entitled The Thing for the Examiner's reference.

Allowable Subject Matter

The Examiner indicated that claim 31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 101 and 112, 2nd paragraph. Applicant thanks the Examiner for the indication of allowable subject matter.

Rejections under 35 U.S.C. § 101

Claims 1-15, 18, 19, 21-32, and 34-38 are rejected under 35 U.S.C. 101, on the ground that the claimed invention is directed to non-statutory subject matter. Claims 1-21 and 24-26 are also rejected under 35 U.S.C. 101 on the ground that the claimed invention is directed to non-statutory subject matter.

Applicant respectfully cannot ascertain with certainty the difference in the grounds of these two rejections from the Office action. As Applicant best understands the rejections, Applicant traverses but nonetheless amends independent claims 1, 36, and 37 to address the Examiner's concern.

Claims 1-32 and 34-38 are now directed to a method and system that result in user-game interaction and produces images that are viewable to a user, thus tangible results have been produced. Therefore, the pending claims are directed at statutory subject matter. Consequently, the rejections of claims 1-15, 18, 19, 21-32, and 34-38 and the rejections of claims 1-21 and 24-36 should be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-2, 10-14, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the video game Fall Out 2 as evidenced by "Desslock: "Fall Out 2: game review" and www.nma-fallout.com and further in view of Baldur's Gate 2 as evidenced by "Baldur's Gate 2: Shadows of Amn" by Al Giovetti.

Applicant respectfully traverses the rejection, but nonetheless amends the independent claims 1 and 37 to further distinguish the cited references.

Claims 1-2, 10-14, and 37 now recite: "displaying an emotional state indicator that indicates a current emotional state of the non-player character, and one or more user selectable command icons for issuing a command to a non-player character by a user commanded player character" and "wherein if the current emotional state of a non-player character reaches a predetermined state, the non-player character becomes unable to respond to one or more commands of the player character, and one or more corresponding command icons are displayed as unselectable". Example embodiments illustrating the claimed features are shown in Fig. 3 and 6 reproduced below.

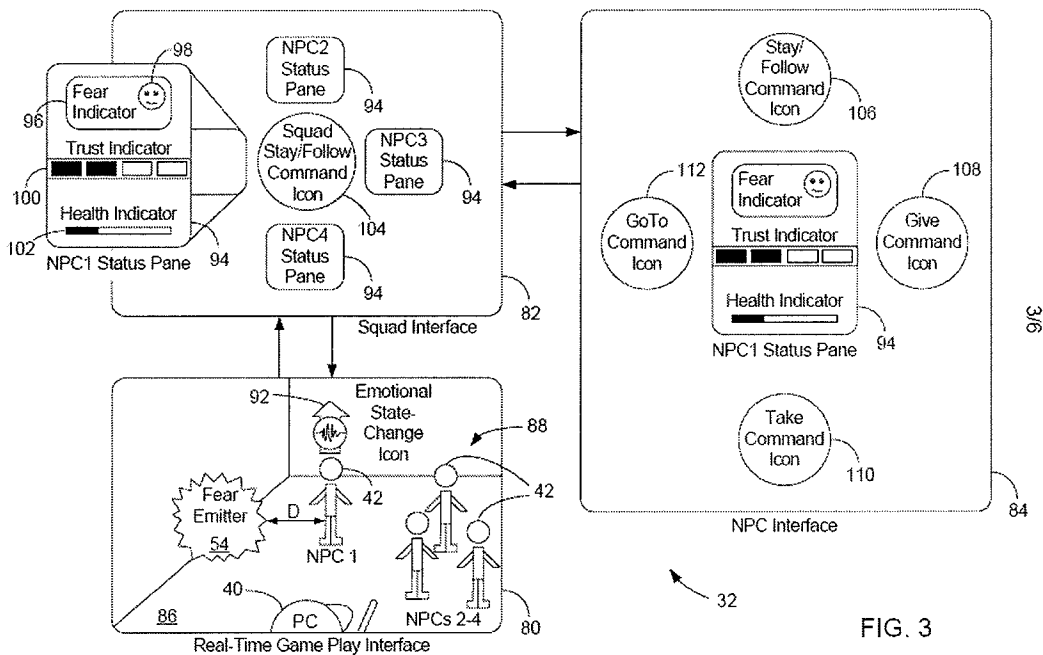


FIG. 3

Fig. 3 illustrates various emotional state indicators, including a fear indicator 96 and a trust indicator 100, as well as an emotional state change icon 92, and various command icons, including stay/follow command icon 106 and take command icon 110, give command icon 108, and goto command icon 112.

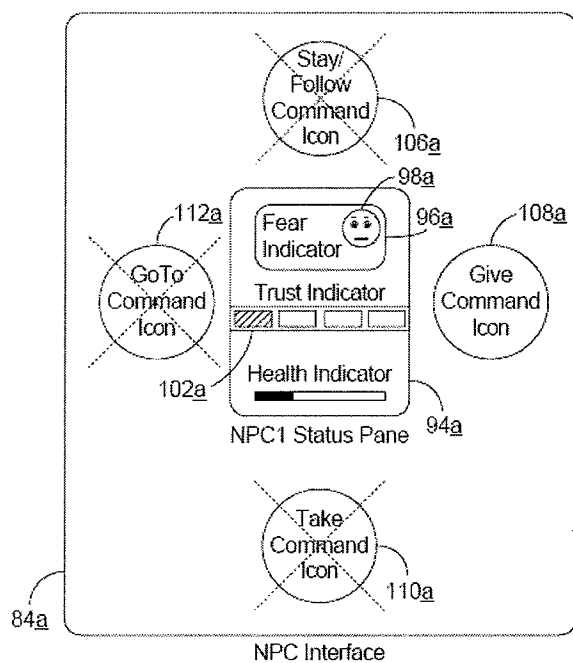


FIG. 6

Fig. 6 illustrates one or more command icons that are displayed as unselectable (e.g., crossed out) when an emotional state is below a predetermined threshold.

Neither Fall Out 2, nor Baldur's Gate 2, nor a combination of Fall Out 2 and Baldur's Gate 2 disclose the above claimed elements. Thus, Fall Out 2 and Baldur's Gate 2 do not render claims 1, 2, 10-14, and 37 obvious, and the rejections of these claims under 35 U.S.C. 103(a) should be withdrawn.

Claims 3-9, 15, 18-19, 21-30, 32, 34-36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fall Out 2 and Baldur's Gate 2 as applied to claims above, and further in view of Shatterfield's Eternal Darkness: Sanity's Requiem Review.

The amendments to claims 1 and 37, discussed above, are believed sufficient to distinguish the references cited in this rejection, since Shatterfield's Eternal Darkness also fails to disclose "displaying an emotional state indicator

that indicates a current emotional state of the non-player character, and one or more user selectable command icons for issuing a command to a non-player character by a user commanded player character” and “wherein if the current emotional state of a non-player character reaches a predetermined state, the non-player character becomes unable to respond to one or more commands of the player character, and one or more corresponding command icons are displayed as unselectable”. Example embodiments illustrating these claimed features are illustrated in Fig. 3 and 6 reproduced above.

Thus, the combination of Fall Out 2, Baldur’s Gate 2, and Shatterfield’s Eternal Darkness: Sanity’s Requiem does not render claims 3-9, 15, 18-19, 21-30, 32, 34-36, and 38 obvious, and the rejections of these claims should be withdrawn.

With regard to claim 36, this claim now recites: “a real-time game play interface screen configured to display an emotional state indicator that indicates a current emotional state of the non-player character, and one or more user selectable command icons for issuing a command to a non-player character by a user commanded player character; wherein if the current emotional state of a non-player character reaches a predetermined state, the non-player character becomes unable to respond to one or more commands of the player character, and one or more corresponding command icons are displayed as unselectable on the non-player character interface screen.” Example embodiments illustrating these claimed features are illustrated in Fig. 3 and 6 reproduced above.

Neither Fall Out 2, nor Baldur’s Gate 2, nor Shatterfield’s Eternal Darkness: Sanity’s Requiem, nor a combination of Fall Out 2, Baldur’s Gate 2, and Shatterfield’s Eternal Darkness: Sanity’s Requiem teach or suggest these claimed elements. Thus, Fall Out 2, Baldur’s Gate 2, and Shatterfield’s Eternal Darkness: Sanity’s Requiem do not render claim 36 obvious, and the rejection to claim 36 should be withdrawn.

New Claims 39-41

Applicant presents new claims 39-41, which are also believed to be in condition for allowance.

Conclusion

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, Applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Please charge any cost incurred in the filing of this Response, along with any other costs, to Deposit Account No. 503397.

Respectfully submitted,

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